

Amend the bill by inserting after the enacting clause and before the summary the following:

Sec. 1. 38 MRSA 417, sub-§ 3 is amended to read:

3. Refuse. Any scrap metal, junk, paper, garbage, ~~septage~~ ~~septic tank sludge~~, sludge, rubbish, old automobiles or similar refuse.

Sec. 2. 38 MRSA § 423-D is enacted to read:

§423-D. Graywater and blackwater discharges from commercial passenger vessels

1. Definitions. or the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Blackwater" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

B. "Coastal waters" means " those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State subject to the rise and fall of the tide.

C. "Commercial passenger vessel" means a large or small commercial passenger vessel.

(1)"Large commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for 250 or more passengers for hire, determined with reference to the number of lower berths.

(2) "Small commercial passenger vessel" means a commercial passenger vessel that provides overnight accommodations for less than 250 passengers for hire, determined with reference to the number of lower berths.

D. "Graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

2. Licensing exemptions. A license is not required pursuant to Section 413 prior to the discharge of graywater to coastal waters from a commercial passenger vessel within one or more of the following categories.

A. A large commercial passenger vessel. This paragraph is repealed effective January 1, 2006.

B. A small commercial passenger vessel.

C. A commercial passenger vessel operated by the United States or a foreign government.

D. A commercial passenger vessel if the discharge is made for the purpose of securing the vessel or saving life at sea, and provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge. A discharge as described in this paragraph must be reported in accordance with subsection 3.

3. Report of unauthorized discharge. Discharges of blackwater or graywater from a large commercial passenger vessel to coastal waters must be reported to the department as provided in this section.

A. The owner or operator of a large commercial passenger vessel that discharges blackwater within a no discharge zone or discharges blackwater not in conformance with federal law outside a no discharge zone shall immediately report that discharge to the department. The owner or operator must submit a written report concerning the discharge to the department within 30 days of the discharge.

B. The owner or operator of a large commercial passenger vessel that discharges graywater without or inconsistent with a license issued pursuant to Section 413 shall immediately report that discharge to the department. The owner or operator must submit a written report concerning the discharge to the department within 30 days of the discharge. This paragraph is effective January 1, 2006.

4. Certification or licensing. The owner or operator of a large commercial passenger vessel shall meet the requirements in either paragraph A or B. This subsection becomes effective January 1, 2006.

A. The owner or operator of a large commercial passenger vessel shall annually certify to the department that it does not intend to discharge graywater to coastal waters, and will act in accordance with an agreement with the department. The agreement must address areas such as ownership, type of treatment systems; use and management of systems; types of waste streams generated; timely reporting concerning the type, amount, and general location of discharges to coastal waters; and submission of monitoring data.

B. The owner or operator of a large commercial passenger vessel shall seek authorization to discharge graywater pursuant to Section 413.

5. Agent for service of process. The owner or operator of a commercial passenger vessel shall continuously maintain a designated agent for service of process whenever the commercial passenger vessel is in coastal waters. The agent must be an individual resident of Maine, a domestic corporation or a foreign corporation having a place of business in and authorized to do business in Maine. "Agent for service of process" means an agent upon whom process, notice of or demand required or permitted by law to be served upon the owner or operator may be served.

6. Innocent passage. This section does not apply to a commercial passenger vessel that operates in the coastal waters of the State solely in innocent passage. For purposes of this paragraph, a commercial passenger vessel is engaged in innocent passage if its operation in coastal waters of the State, regardless of whether the vessel is a United States or foreign-flag vessel, would constitute innocent passage under the:

A. Convention on the Territorial Sea and the Contiguous Zone, April 29, 1958, 15 U.S.T. 1606; or

B. United Nations Convention on the Law of the Sea 1982, December 10, 1982, United Nations publication No. E.83.V.5, 21 I.L.M. 1261 (1982), were the vessel a foreign-flag vessel.

Sec. 3. 38 MRSA 464, sub-§4(A)(6) is amended to read:

(6) New discharges of domestic pollutants to the surface waters of the State that are not conveyed and treated in municipal or quasi-municipal sewage facilities. For the purposes of this subparagraph, "new discharge" means any overboard discharge that was not licensed as of June 1, 1987, except those discharges that were in continuous existence for the 12 months preceding June 1, 1987, as demonstrated by the applicant to the Department with clear and convincing evidence, or discharges from vessels. For purposes of licensing, the Department shall treat an increase in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge will take place as a new discharge of domestic pollutants;

Sec. 4. PL 1999, ch. 655, sec. A-1, paragraph 8 is enacted to read:

8. The Department may also recommend to the Joint Standing Committee on Natural Resources that application be made for additional no-discharge zones including all or part of the coast as appropriate at future dates.

Sec. 5. Report concerning air emissions. The Department of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by January 1, 2005 concerning issues related to air emissions from vessels. The report shall include draft legislation necessary to implement any proposal. The Joint Standing Committee on Natural Resources may report out legislation during the First Regular Session of the 122nd Legislature relating to air emissions from vessels.

Sec. 6. Report concerning graywater discharges from small commercial passenger vessels. The Department of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by January 1, 2006 concerning whether small commercial passenger vessels, or a subset of such vessels, should be required to seek authorization to discharge to discharge graywater. The department may include any recommended amendments concerning vessel discharges. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 123rd Legislature.
